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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 5438 of 2007

PETITIONER		Jwala Prasad Tiwari, s/o Lalit Ram Tiwari, aged about 59 years & 6months, presently working as Range Assistant Mansukh, Baikunthpur, Range Baikunthpur, Distt. Koria (C.G).
		Versus
RESPONDENTS	1	State of Chhattisgarh, Through the Secretary, Forest Department, D.K.S. Bhawan, Raipur (C.G).
	2	The Divisional Forest Officer, Koria, Distt. Koria (C.G)
	3	Forest Range Officer, Baikunthpur, Range Baikunthpur, Distt. Koria (C.G)
	4	Shri Tilakram Pandey, Forester, Mishar depot, Baikunthpur Range, Baikunthpur Distt. Koria (C.G).

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri P.Diwakar, Sr. Advocate with Shri P.R. Patankar, counsel for the petitioner.

Shri Yashwant Singh, Govt. Advocate, appears for the State/Respondents on advance copy.

ORAL ORDER
(24.09.2007)

SUNIL KUMAR SINHA, J.

Heard finally with the consent of the parties.

Learned Senior Counsel appearing for the petitioner submits that the petitioner who is working on the post of Forest Guard and is posted as Range Assistant, Mansukh, has been transferred from Mansukh to Khadgawa. Referring to Annexure P-1, he argued that the date of birth of the petitioner is 5.2.1948 according to which the petitioner is to superannuate on 28.2.2008, therefore, about six months were left from the date of passing of the impugned order dated 29.8.2007 for the retirement of the petitioner and according to the policy of the State Government dated 13th of June 2007, the petitioner should not have been transferred from his present place of posting as above. His submission is that the case of the petitioner shall be governed by Clause 7 of the Transfer Policy.

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I have heard learned counsel for the parties at length and have also gone through the contents of the writ petition as also transfer policy dated 13th of June 2007.

The contents of Class 7 of the Policy read as under:

"7. जिन शासकीय सेवकों की सेवानिवृत्ति के लिए 1 वर्ष का समय शेष रह गया हो, उन्हें गृह जिले में अथवा उनके विकल्प के जिले में पदस्थ किया जा सकेगा, यदि सामान्य पुस्तक परिपत्र के अनुसार यह अनुज्ञेय हो।"

Having gone through the contents of the writ petition and after hearing the arguments advanced by learned counsel for the petitioner as well as the State Counsel, I am of the opinion that the ends of justice would be served, if the petitioner is directed to file a representation before the concerned authority and the concerned authority is directed to dispose of the same at the earliest, looking to the grievance raised by the petitioner.

Consequently, the petition is disposed of with a direction to the petitioner that if so advised, he may file a detailed representation before the concerned authority within a period of 3 weeks from today alongwith certified copy of this order and the copy of writ petition and if such a representation is filed, it shall be decided by the concerned authority within a further period of 60 days from the date of receipt of such representation. It is also directed that in the meanwhile, the transfer order shall be kept in abeyance and the petitioner shall be allowed to continue at his present place of posting.

With the aforesaid directions, the petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

Rao